

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 1:19CR00092
	)	
Plaintiff,	)	JUDGE JAMES S. GWIN
	)	
v.	)	
	)	
DARIEN L. GRIFFIN	)	<u>UNITED STATES' SENTENCING</u>
	)	<u>MEMORANDUM</u>
Defendant.	)	

Now comes the United States of America, by its counsel, Justin Herdman, United States Attorney, and Payum Doroodian, Assistant United States Attorney, and respectfully submits this memorandum for the sentencing of Defendant Darien L. Griffin. The United States agrees with the calculation within the Presentence Investigation Report ("PSR"), placing Defendant's Criminal History Category as IV and Offense Level as 15 after acceptance of responsibility. Thus, Defendant's advisory Sentencing Guidelines range is 30 to 37 months, Zone D. (Doc. No. 18 at ¶ 51). For the reasons set forth below, this Court should impose a sentence within the advisory Guidelines range.

**I. FACTUAL BACKGROUND**

On or about December 28, 2018, a witness spotted Defendant driving a stolen vehicle, a blue 2010 Chevrolet Camaro sports car. This vehicle was reported stolen at gunpoint twice, most recently on December 23, 2018. As police officers approached Defendant as he exited McDonald's, Defendant threw his drink at the officers and ran. After arresting the Defendant, the officers found the keys to the Camaro and 17 counterfeit \$100 bills in Defendant's pockets.

Upon searching the stolen vehicle, officers found a loaded Glock, Model 21, semi-automatic .45 caliber pistol and ammunition, both manufactured outside the state of Ohio. In addition, officers verified with employees inside the McDonald's that Defendant attempted to pass one of the counterfeit \$100 bills while purchasing food. Defendant admitted to knowingly possessing the pistol and that he was prohibited from possessing firearms due to prior criminal convictions. Defendant's convictions include: Attempted Felonious Assault, Robbery, Aggravated Theft, Menacing, and Carrying Concealed Weapons. (Doc. No. 18 at ¶ 25-34).

## **II. APPLICATION OF § 3553(a) FACTORS**

Considering the 18 U.S.C. § 3553(a) factors, including characteristics of the offense and the offender, a within-Guidelines sentence is sufficient, but not greater than necessary, to reflect the seriousness of the offense, promote respect for the law, protect society from future crimes by the Defendant, and afford adequate deterrence.

Defendant is guilty of being a felon in possession of a firearm. Defendant's violent criminal history exposes how dangerous it is for Defendant to possess a firearm. In the past 4 years, Defendant sustained convictions for conduct that included: a group attack and robbery of person at a bus stop, attacking a cooperating witness for "snitching," robbing another person and threatening to shoot him, and unlawfully possessing a firearm. Here, Defendant again unlawfully possessed a firearm while in a stolen car with counterfeit bills. Defendant's history shows that he is prone to violence, recidivism, and total disregard for the law.

Defendant's sentence must reflect the danger Defendant is to society and the need to deter him from continuing this pattern of criminal behavior. Given his young age, the fear is that any leniency in Defendant's sentence will encourage rather than discourage Defendant's conduct, resulting Defendant *using* the next firearm he obtains, rather than just *possessing* it.

As such, a sentence within the Guideline range is sufficient, but not greater than necessary, to reflect the seriousness of the offense, promote respect for the law, afford adequate deterrence and protect the public from future crimes of the Defendant.

### **III. CONCLUSION**

For the forgoing reasons, the United States respectfully requests that the Court impose a sentence within the advisory Guidelines range.

Respectfully submitted,

JUSTIN HERDMAN  
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th Day of August 2019 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Payum Doroodian  
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Assistant U.S. Attorney